

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

ACTION AGENDA
CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH

MONDAY, JULY 21, 2003

**5:30 P.M. – Room B-8 for
Public Comments on Closed
Session Items**

7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

The 5:00 p.m. portion of the meeting will be recessed by the City Clerk to 5:30 p.m. in Room B-8 due to an anticipated lack of quorum.

5:30 P.M. –Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Present

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

None

Public Comments Regarding Closed Session Agenda Items (Referenced on the Following Page)

None

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**
<http://www.surfcity-hb.org>

Call Closed Session of City Council/Redevelopment Agency
Approved 7-0

Recommended Action: Motion to recess to Closed Session on the following items:

1. **City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Tiep Nhu Bui and Thanh Cam Nguen v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC06575. (120.80)
2. **City Council) Closed Session** Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Ken Blake v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 02CC10480. (120.80)
3. **City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Epifania Huertero, et al., v. City of Huntington Beach, et al.**; United States District Court Case No. SA 01-1136. (120.80)
4. **City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Southern California Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC02021. (120.80)
5. **City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: Ray Silver; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; and Seven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

None

Roll Call: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Present (Cook out of room)

Pledge of Allegiance - Westminster Girl Scout Troop 1962, Leader Linda Scukanec.

Observe Moment of Silence – To reflect on matters before Council.

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.)

Late communications announced by the City Clerk on Agenda Items C-3a and G-1b.

Presentation - By Mayor Connie Boardman, a Commendation to Vicki Rabi for the project of refurbishing the War Memorial at Huntington Beach High School, for her Girl Scout Gold Award. (160.40)

(Presentations Continued on the Next Page)

Presentation - By Mayor Connie Boardman and Community Services Director Jim Engle, the Youth Sports Grant Awards. (160.40)

Dr. Corcoran, Community Services Commission Vice Chair, presented

	<u>\$ Amount</u>
Huntington Beach Union High School Football Booster Club	\$40,000
Edison High Aquatics	22,000
AYSO Region #56	19,000
Robinwood Little League	18,000
Boys & Girls Club of Huntington Valley	17,750
Edison High Baseball Booster Club	15,000
South Coast Soccer Club	7,100
Huntington Beach Union High School Aquatics Booster Club	5,100
Edison High Girls Softball Booster Club	3,300
HBUHS Aquatics Booster Club	2,300

Mayor's Award - By Mayor Connie Boardman and Police Chief Kenneth Small to Sergeant Irwin P. Feuerstein, Huntington Beach Police Department. (160.40)

Presented for his many valuable contributions to the Police Department, including many innovative process improvements which have saved the city thousands of dollars.

Sergeant Irwin thanked the members of the Police Department and staff members of the Public Works Department.

B. PUBLIC COMMENTS

Hello and welcome to the Huntington Beach City Council meeting.

If you would like to address the Council please fill out the pink public comment sheet attached to this agenda.

After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. Council members strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

Due to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda.

So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting.

However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council.

**This is the time to address Council regarding items of interest or
on agenda items OTHER than Public Hearings.**

3 minutes per person, time may not be donated to others.

No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

Public Comments:

1. ***Speaker presented reasons why he believes the proposed Poseidon desalinization plant will be destructive to the ocean. He spoke re: the detrimental effect of the AES Power generating plant and the detrimental effect he believes the combination will have.***
2. ***Speaker offered prayer due to the absence of the Invocation.***
3. ***Speaker re: Agenda item E-4 Disc Golf contract removal from the agenda, stating he believes it is subsidized \$25,000, is misused by some participants and questions as to whether there is a yearly audit and other questions he believes need answered.***
4. ***Speaker presented overhead slide and reported on what he believes will be the detrimental effects of the desalinization plant on the ocean and why he believes it will result in the continued presence forever of the AES power generating plant.***
5. ***Kelly Shanley expressed her appreciation to each City Councilmember as she leaves her position; speaking re: her duties, which included Council presentations and proclamations; instructing Boy Scout and Girl Scouts flag ceremonies; and taking photographs for HBTv-3.
(Kelly has assumed the position of Field Representative for the Water Division of the Public Works Department.)***
6. ***Speaker spoke in opposition to low-flying banner-towing aircraft; the budget crisis; and what he believes to be a waste of water resources for median landscaping.***

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Continued from 7/7/03 - Approve City Council Communication Committee Recommendation to Continue Membership in the Public Cable Television Authority (PCTA) (.)**

Communication from Councilmember Pam Houchen, Chair of the City Council Communications Committee on behalf of Mayor Connie Boardman and City Councilmember Debbie Cook transmitting the following **Statement of Issue**: Ongoing discussions have been held regarding whether or not the city should withdraw from the Public Cable Television Authority (PCTA). The City Council Communications Committee is bringing before the City Council a recommendation to continue membership in the PCTA.

Recommended Action: Motion to:

Adopt the City Council Communication Committee recommendation to stay in the Public Cable Television Authority as unanimously voted by the Committee at their June 23, 2003 Meeting with a motion made by Mayor Boardman and seconded by City Councilmember Houchen.

Councilmember Pam Houchen reported. Councilmembers discussed their concerns including city's position relative to negotiating with PCTA, the feasibility of joining with other cities such as Los Alamitos.

Approved Recommended Action 6-1 (Green-NO)

C-2. City Administrator's Reports**C-2a. (City Administrator's Report) Announcement Re: Public Works Department Agenda Item E-6 - Contract Award for Eight Urban Storm Water Runoff Treatment Projects (.)**

City Administrator Ray Silver will report a department highlight as follows on Item E-6 regarding the contract award for the eight Urban Storm Water Runoff Treatment Projects. The contract is in reference to the installation of the Continuous Deflective Separators (CDS) filtration units at key points throughout the city. Specifically, the City storm drain system includes 12 outlet pipes that discharge directly across the City's beaches and one outlet pipe that discharges into the Bolsa Chica Wetlands. These drains receive all the runoff from the surrounding streets and, so, any discarded trash, automotive fluids or other debris on the streets eventually is washed onto the sand. This project will install eight filtration units that will remove the trash, debris and particulates from the runoff in all these drains and, thus, help protect and improve the water quality of our beaches and wetlands.

Once these units are installed, 100% of floating debris, including cigarette butts, Styrofoam cups, oil and grease, and 80% of suspended solids, will be captured before they end up on the beach. City crews will then periodically remove the trash and debris from the filters and properly dispose of it. The installation of the seven CDS units on the beach will also include diverting the low flow urban runoff into infiltration areas under the sand where it will not intrude on beachgoers. This feature will eliminate the polluted puddle that currently accumulates under the beach outfall locations and treat it through natural process.

This technology has been proven by extensive independent laboratory research and hundreds of actual installations throughout the United States and Australia. This project is a major statement by the City in support of the environment and in compliance with

the Federal Clean Water Act. The City received a \$4 million water quality grant several years ago, through which the funds for this project are being made available with cooperation from the State Water Resources Control Board.

Public Works Director reported

C-3. City Treasurer's Report

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's May 2003 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for May 2003.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

City Treasurer Shari Freidenrich presented PowerPoint Report.

Approved Recommended Action 7-0

D. Public Hearings – None

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. **(City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of May 5, 2003 and May 19, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

Approved and Adopted 7-0

- E-2. **(City Council) Authorize City Administrator to Approve Plan Check Engineer Position with the Department of Building & Safety as an Exception to the Hiring Freeze in Fiscal Year 2002/03** (.) – Authorize the City Administrator to approve the position of Plan Check Engineer as an exception to the current hiring freeze to maintain productivity in the Engineering Plan Check Section. Submitted by the Building & Safety Director. Funding Source: Budgeted within the Fiscal Year Building & Safety Department Permanent Salaries.

Approved 7-0

- E-3. **(City Council) Adopt Resolution No. 2003-54 Expressing City's Intention to Participate in the State Treasurer's Local Agency Investment Fund (LAIF) Authorizing City Treasurer, Shari L. Freidenrich to Make Deposits and Withdrawals** (.) – Adopt **Resolution No. 2003-54** – “*A Resolution of the City Council of the City of Huntington Beach Expressing Its Intention to Participate in the State Treasurer's Local Agency Investment Fund and Authorizing the City Treasurer to Make Deposits and Withdrawals from Said Fund.*” Submitted by the City Treasurer. Funding Source: Not applicable.

Adopted 7-0

- E-4. **(City Council) Approve Amendment No. 1 to Agreement between the City and Disc Sports Management for the Operation and Maintenance of the Disc Golf Course in Huntington Central Park** (.) - Approve *Amendment No. 1 to Agreement between the City of Huntington Beach and Disc Sports Management* and authorize the Mayor and City Clerk to execute same. Submitted by the Community Services Director. Funding Source: Estimated annual revenue of \$20,000 proposed for the Park Acquisition & Development unappropriated fund balance.

Removed from Agenda 7-0

- E-5. **(City Council) Approve Appointment of Lloyd Budwig to the Library Board of Trustees for a Term to Expire June 30, 2007** (.) – Appoint **Lloyd Budwig** to his first four-year term (7/1/03 – 6/30/07) to the Library Board of Trustees as recommended by the City Council Library Board Liaisons, Dave Sullivan and Gil Coerper. Submitted by the Library Services Director. Funding Source: Not applicable.

Approved 7-0

- E-6. (City Council) Accept Bid and Award Contract to GCI Construction, Inc for Urban Storm Water Runoff Treatment Projects; CC-1179 and CC-1212 (.) – 1.** Accept the lowest responsive and responsible bid submitted by GCI Construction, Inc. in the amount of \$646,905 for the Urban Storm Water Runoff Treatment Projects, CC-1179 & CC-1212; and **2.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Funds are budgeted in Storm Water Quality Fund, Storm Water Treatment, Drainage Improvements Account. The funds are available through a Proposition 13, Year 2000 Water Bond Act Grant, an Integrated Waste Management (IWM) Grant and Orange County Urban Runoff Matching Grant.

Approved 7-0

- E-7. (City Council) Approve Settlement Agreement and Mutual General Release with PCH Beach Resort, LLC and Mayer Financial, LP (Amended and Restated Development Agreement) - Waterfront Residential - Hyatt Regency Hotel Parcel)** (.) - Approve *Settlement Agreement and Mutual General Release* with PCH Beach Resort, LLC, and Mayer Financial, LP and authorize the Mayor and City Clerk to execute the Settlement Agreement and Mutual Release. Submitted by the City Attorney, the Economic Development Director and the Public Works Director. Funding Source: Not applicable.

***Councilmember Houchen abstained due to possible conflict of interest
Adopted 6-0-1 (Houchen abstained)***

- F. Administrative Items - None**

G. Ordinances**G-1. Ordinances for Adoption**

- G-1a. (City Council) Adopt Ordinance No. 3613 Amending Huntington Beach Municipal Code Chapter 14.36 Relating to the Sewer System Service Connection Charge (Utilizing the Annual Construction Cost Index (CCI) (.) - Ordinance No. 3613 –**
“An Ordinance of the City of Huntington Beach Amending Chapter 14.36 of the Huntington Beach Municipal Code Relating to Sewer System Service Connection.”
(Approved for introduction, as amended on 7/7/03.)

Recommended Action: Motion to:

After City Clerk reads by title, adopt **Ordinance No. 3613**, by roll call vote.

Adopted 7-0

- G-1b. (City Council) Adopt Ordinance No. 3612 Amending Huntington Beach Municipal Code Chapter 2.05 Entitled Gifts to Public Officials (.) – Ordinance No. 3612 –**
“An Ordinance of the City of Huntington Beach Amending Chapter 2.05 of the Huntington Beach Municipal Code Entitled Gifts to Public Officials.” (Approved for introduction, as amended on 7/7/03.)

Recommended Action: Motion to:

After City Clerk reads by title, adopt **Ordinance No. 3612**, by roll call vote.

Discussion held re: Ordinance No. 3612 and re: Code of Ethics.

Adopted 5-0-2 (Cook, Hardy-NO)

G-2. Ordinances for Introduction - None

Motion made to place on 8/4/03 Agenda, reconsideration of Resolution No. 2003-51 re: the Code of Ethics, which Council adopted at the 7/7/03 Council meeting.

Approved 4-3 (Boardman, Cook, Houchen-Abstain)

H. City Council/Redevelopment Agency Items**H1-a. Submitted by Councilmember Pam Houchen****City Council) Direct Staff to Initiate and Return to Council with Recommendations for a Phase II of the Huntington Beach Zoning and Subdivision Ordinance and Specific Plan Amending the Entitlement Permit Streamlining Process (.)**

Communication from Councilmember Pam Houchen transmitting the following **Statement of Issue**: In January 2002, the City Council approved Zoning Text Amendment No. 01-04 by adopting Ordinance Nos. 3502 and 3532 and amending the HBZSO and implementing the first phase of the entitlement permit streamlining process. The Phase I amendment contained approximately 20 revisions to the HBZSO to streamline the entitlement process for these select users. To date, these amendments have streamlined the entitlement process, decreased processing times, created cost savings and improved customer service by allowing the review of an entitlement by a lower hearing body.

In times of budget reductions, staff cutbacks, and tough economic times, I believe it is the appropriate time to re-visit streamlining the entitlement process contained in the City's zoning and subdivision ordinance. The continued effort to streamline and expedite the entitlement permit process will continue to benefit both the City as well as the private sector.

I also believe that the Phase I approach may have been too limited in its scope by only focusing on the HBZSO. To expand on the streamlining effort, I'd like to see the continued analysis of the HBZSO and possible amendments to select specific plans. Therefore, I recommend the City Council consider the following motion:

Recommended Action: Motion to:

Direct the Director of Planning to initiate a zoning text amendment to amend the HBZSO and any specific plans as deemed necessary to streamline the entitlement permit process and return to the City Council with a recommendation as soon as possible.

Removed from Agenda by Councilmember Houchen

H2-a. Submitted by Councilmember Dave Sullivan**City Council) Approve Mayor to Send Letter of Support for Assembly Bill 710
Relative to City's Concern Re: Big City Representation to the Orange County
Division of the League of California Cities (.)**

Communication from Councilmember Dave Sullivan transmitting the following

Statement of Issue: The Huntington Beach City Council has taken a position in favor of AB 710. The position taken by our city as conveyed to the Orange County League of Cities has sent a mixed message. The large cities of Irvine, Anaheim, and Santa Ana have withheld their dues to get the League's attention.

Recommended Action::

The following letter be sent to the Orange County Division of the League of Cities reiterating our support for AB 710 and our concern about big city representation:

**TO: Executive Steering Committee
Orange County Division, League of California Cities**

The City Council of Huntington Beach reiterates its strong support for AB 710! We wish to express our displeasure regarding the letters produced by the League that did not, in our view, properly represent the vote taken on the issue. Your actions have compelled Irvine, Santa Ana, and Anaheim to withhold their dues. The Orange County Division needs to provide equitable representation for large cities, not drive us away. The fact that the Executive Steering Committee consists of members representing only 11% of the county population speaks for itself.

Connie Boardman, Mayor

On behalf of the Huntington Beach City Council

Discussion held re: wording of proposed letter amended to include forwarding letter to all cities, and removing third sentence of letter.

5-0-2 (Cook, Houchen-NO)

Councilmember Dave Sullivan spoke re: what he believes is the need to convey to the committee of the League that all cities should pay the same dues-that dues not be based on population.

Council Comments - (Not Agendized)

Councilmember Gil Coerper reported that the Police helicopter had located 37 drunk drivers, assisted in capture of burglar suspect, and other work of great benefit to all.

Mayor Connie Boardman announced a Community Awareness meeting of the Long Beach Airport's flight pattern, altitude and noise levels, to be hold on 7/31/03 at 7pm, at the Huntington Beach Central Library, Rooms C and D.

Councilmember Dave Sullivan reported on E-Mail Council received from the Public Works Director re: the Bushard sewer trunk pipeline defects which affect the HB South East Neighborhood.

Dr. Sullivan requested a future report. Public Works Director Robert Beardsley stated he would prepare it and return to Council.

At this time Councilmembers may report on items not specifically described on the agenda, which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Monday, August 4, 2003, at 5:00 p.m., in the Room B8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. VideoTapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**CONNIE BROCKWAY, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

Internet: <http://www.surfcity-hb.org>